

Release
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**SUMMARY OF CASES ACCEPTED
DURING THE WEEK OF AUGUST 31, 1998**

[This news release is issued to inform the public and the press of cases that the Supreme Court has accepted and of their general subject matter. The description or descriptions set out below do not necessarily reflect the view of the court, or define the specific issues that will be addressed by the court.]

#98-122 People v. Bocanegra, S071525. (H016937.) Unpublished opinion. Petition for review after the Court of Appeal affirmed a judgment of conviction of criminal offenses. This case presents an issue, concerning whether the actual thief may be convicted of receiving stolen property when the statute of limitations for theft has not run, which is related to an issue before the court in People v. Allen, S070028. (See #98-68.)

#98-123 Carrillo v. ACF Industries, Inc., S072065. (B102937; 64 Cal.App.4th 993.) Petition for review after the Court of Appeal affirmed the judgment in a civil action. This case concerns whether federal laws regulating railcar safety appliances preempt state law product liability actions against railcar manufacturers. (See 49 U.S.C. §§ 20101 et seq., 20301 et seq.)

#98-124 People v. Rios, S055790. (D025621; 63 Cal.App.4th 1501.) Petition for review after the Court of Appeal affirmed a judgment of conviction of criminal offenses. This case includes the issue whether the court committed

(over)

reversible error in failing to instruct on provocation and heat of passion as elements of voluntary manslaughter at a retrial of that crime, after a jury in the initial trial acquitted the defendant of murder but failed to reach a verdict on voluntary manslaughter.

DISPOSITIONS

The following cases were dismissed and remanded to the Court of Appeal:

#96-31 People v. Markson, S051506.

#97-120 People v. Henry, S062194.

#98-13 People v. Callihan, S066143.

#98-14 People v. Cotton, S066198.

#98-18 Cantine v. Jackson, S067044.

#98-32 People v. Martin, S067195.

#98-33 People v. McClain, S067006.

#98-34 People v. Piggie, S066829.

#98-41 People v. Clayton, S067687.

#98-42 People v. Lopez, S067557.

#98-53 People v. Andres, S068755.

The following cases were transferred to the Court of Appeal for reconsideration in light of People v. Rodriguez, 17 Cal.4th 253:

#97-7 People v. Gardner, S056894.

#97-8 People v. Ponce, S056772.

The following cases were transferred to the Court of Appeal for reconsideration in light of People v. Deloza, 18 Cal.4th 585:

#96-166 People v. Pearsall, S056157.

#97-104 People v. Ramirez, S061526.

#98-2 People v. Cortina, S065488.

#98-3 People v. Griffin, S065531.

#98-12 People v. Alvarez, S066488.

#98-35 People v. Sistrunk, S066955.

#98-86 People v. Lawrence, S070271.

#97-120 People v. Moreno, S064206.

The following cases were transferred to the Court of Appeal for reconsideration in light of People v. Deloza, 18 Cal.4th 585, and People v. Hendrix, 16 Cal.4th 508:

#96-73 People v. Nelson, S053008.

#97-115 People v. Smith, S061815.

#97-168 People v. Deloza, S063987 was transferred to the Court of Appeal for reconsideration in light of People v. Deloza, 18 Cal.4th 585, and People v. Fuhrman, Cal.4th. 930.

STATUS

People v. Coffman & Marlow, S011960. The appellant's opening brief having been filed, the order to show cause why counsel should not be held in contempt was discharged, and the matter was taken off the Supreme Court's September 1998 oral argument calendar. (The issuance of the order to show cause in this matter was reported in the press release for the week of July 27, 1998.)

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